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071120Z Apr 00

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ACTION AF-00

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	INR-00	IO-00	LAB-01	L-00	AC-01	NSAE-00	OIC-02
	OMB-01	OPIC-01	PA-00	PM-00	PRS-00	ACE-00	P-00
	SP-00	STR-00	TRSE-00	USIE-00	PMB-00	DSCC-00	PRM-01
	DRL-02	G-00	NFAT-00	SAS-00	/012W		

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FM AMEMBASSY HARARE  
TO SECSTATE WASHDC PRIORITY 5694  
INFO SOUTHERN AFRICAN DEVELOPMENT COMMUNITY  
NSC WASHDC  
USDOC WASHDC

C O N F I D E N T I A L SECTION 01 OF 03 HARARE 001914

SIPDIS

NSC FOR SENIOR AFRICA DIRECTOR GAYLE SMITH

USDOC FOR ERIC HENDERSON

TREASURY FOR ED BARBER AND GRACE SONE

LONDON FOR PFLAUMER

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DEPT PASS TO USAID AFR/SA - BILL JEFFERS, NNEWMAN  
AA/AFR - VNEWTON, AND A/AID RMMCCALL

DEPT PASS TO USTR FOR ROSA WHITAKER

E.O. 12958: DECL: 04/07/00  
TAGS: [PGOV](#) [PREL](#) [PHUM](#) [EAID](#) [EAGR](#) [ZI](#)  
SUBJECT: PARLIAMENT PASSES CONSTITUTIONAL AMENDMENT ON  
LAND ACQUISITION

CLASSIFIED BY POLITICAL OFFICER MAKILA JAMES, FOR  
REASONS 1.5 B AND D

REF: A) HARARE 1777, B) HARARE 1731, C) HARARE 1841

1. (SBU) SUMMARY: ON APRIL 6, ZIMBABWE'S PARLIAMENT PASSED A CONTROVERSIAL BILL, AMENDING THE NATIONAL CONSTITUTION FOR THE 16TH TIME, TO ALLOW THE GOVERNMENT TO ACQUIRE LAND FOR RESETTLEMENT PURPOSES WITHOUT COMPENSATION (REFTEL A). THE VOTE FOLLOWED SOME ARM-TWISTING BY PRESIDENT MUGABE, WHO ADDRESSED THE ZANU-PF PARLIAMENTARIANS EARLIER ON THE DAY OF THE VOTE AND DIRECTED THEM TO SUPPORT THE PARTY POSITION ON LAND. THE BILL HAD BEEN FAST-TRACKED BY THE EXECUTIVE IN THE EXTRAORDINARY SESSION OF PARLIAMENT, CONVENED SPECIFICALLY FOR THIS LEGISLATIVE BUSINESS FROM APRIL 4 TO 6. DESPITE THE LEGISLATION, ENABLING THE GOVERNMENT TO EFFECT ITS "POLITICAL SOLUTION" TO THE COMMERCIAL FARM INVASIONS, THE WAR VETERAN LEADERSHIP HAS VOWED TO REMAIN PUT AND GIVE UP NO LAND. END SUMMARY.  
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2. (C) OF THE 150 MEMBERS OF PARLIAMENT (MPS) (ALL BUT THREE ARE ZANU-PF MEMBERS), 100 MPS VOTED IN FAVOR OF THE LAND ACQUISITION BILL ON APRIL 6, WITH ONE ABSTENTION FROM OUTSPOKEN ZIMBABWE UNION OF DEMOCRATS (ZUD) PARTY PRESIDENT, MARGARET DONGO. THE REMAINING MPS WERE NOT PRESENT FOR THE VOTE, ALTHOUGH NOT BECAUSE OF ANY ORGANIZED BOYCOTT OR ABSTENTION. DONGO TOLD EMBOFFS ON APRIL 7 THAT SHE HAD BEEN LOBBYING HARD TO BLOCK THE PASSAGE OF THE BILL AND BELIEVED THAT SHE HAD GARNERED THE SUPPORT OF 20 OTHER MPS. THE STRATEGY WAS FOR THE CHIEF WHIP, MOSES MVENGE, TO CHALLENGE THE BILL AND HAVE DONGO AND OTHERS JOIN IN, ACCORDING TO THE ZUD PRESIDENT. THE STRONG OPPOSITION TO THE BILL WAS CONFIRMED BY OTHER MPS IN RECENT CONVERSATIONS WITH POLOFF AND AF DAS SCHNEIDMAN DURING HIS MARCH 22 TO 24 VISIT TO ZIMBABWE (REFTELS A AND B). THE DEAL FELL APART WHEN PRESIDENT MUGABE WHIPPED THE MPS INTO LINE DURING A MEETING HE HELD WITH THEM ON THE MORNING OF APRIL 7, ONE OF THE VERY FEW TIMES HE HAS MET WITH THEM

AS A GROUP OUTSIDE OF HIS STATE OF THE UNION ADDRESS.

13. (C) MIKE MATAURE, FORMERLY CHAIRMAN OF THE PARLIAMENTARY REFORM COMMITTEE, TOLD US ON APRIL 7 THAT THE MPS HAD REQUESTED A MEETING WITH THE PRESIDENT TO DISCUSS THEIR GRIEVANCES CONCERNING IRREGULARITIES IN THE ONGOING ZANU-PF PARTY PRIMARIES. MANY OF THE MPS HAVE BEEN REJECTED IN THOSE PRIMARIES AND WILL NOT RUNNING FOR REELECTION, INCLUDING SEVERAL MINISTERS, DEPUTY MINISTERS AND PARTY STALWARTS. OTHER MPS, SENSING THAT THEY DID NOT HAVE RULING PARTY'S BLESSINGS, CONFIDENTIAL

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OR THAT RIGGING WOULD LED TO THEIR DEFEAT, CHOSE NOT TO RUN ON A ZANU-PF TICKET. THIS GROUP SAYS IT WILL RUN AS INDEPENDENTS. NEVERTHELESS, ALL 100 WHO VOTED FOR THE LAND ACQUISITION BILL ATTENDED THE MEETING WITH THE PRESIDENT, WHICH WAS HELD AT ZANU-PF PARTY HEADQUARTERS. MUGABE REPORTEDLY LAID DOWN THE LAW -- VOTE WITH THE PARTY ON THIS ISSUE, AS LAND IS A MATTER OF "NATIONAL SOVEREIGNTY," AND WE WILL LOOK INTO YOUR GRIEVANCES LATER.

14. (U) THE LAND ACQUISITION BILL WAS INTRODUCED BY THE MINISTER OF JUSTICE, LEGAL AND PARLIAMENTARY AFFAIRS, EMMERSON MNANGAGWA, ON APRIL 4 AND APPROVED BY A TWO-THIRD MAJORITY, AS REQUIRED FOR CONSTITUTIONAL AMENDMENTS, AFTER THE THIRD READING OF THE BILL TWO DAYS LATER. DONGO DISPUTES THAT THERE WAS A QUORUM, AS SHE MAINTAINS THAT THE BILL REQUIRED 101 VOTES. MINISTER OF COMMERCE AND INDUSTRY, NATHAN SHAMUYARIRA, AND MINISTER WITHOUT PORTFOLIO IN THE OFFICE OF THE PRESIDENT AND ZANU-PF'S CHIEF LAW OFFICER, EDDISON ZVOGBO, SPOKE IN FAVOR OF THE BILL. BOTH MEN ARGUED THAT THE LEGISLATION WAS NOT RACIAL, ONLY DESIGNED TO ADDRESS THE LONG-STANDING IMBALANCE OF LAND DISTRIBUTION IN ZIMBABWE, OVER WHICH THE COUNTRY'S WAR OF LIBERATION WAS FOUGHT.

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	SAS-00	/014W					

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P 071120Z APR 00  
FM AMEMBASSY HARARE  
TO SECSTATE WASHDC PRIORITY 5695  
INFO SOUTHERN AFRICAN DEVELOPMENT COMMUNITY  
NSC WASHDC  
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C O N F I D E N T I A L SECTION 02 OF 03 HARARE 001914

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NOW THAT THE MEMBERS HAVE COMPLETED THEIR LEGISLATIVE BUSINESS, THEY ADJOURNED AND PARLIAMENT'S LIFE LEGALLY EXPIRES ON APRIL 12. THE NEW PARLIAMENT WILL NOT COME INTO EXISTENCE UNTIL AFTER THE ELECTION SCHEDULED FOR SOME TIME IN MAY, ALTHOUGH MOST EXPERTS BELIEVE THE VOTE CANNOT TAKE PLACE UNTIL LATE IN JUNE OR JULY BECAUSE OF

LOGISTICAL DELAYS. CONSEQUENTLY, NO OTHER LEGISLATIVE BUSINESS WILL BE DEALT WITH IN PARLIAMENT. IN THE INTERIM, MUGABE HAS AUTHORITY TO EFFECT "EMERGENCY LEGISLATION" UNDER THE "PRESIDENTIAL POWERS ACT," SHOULD HE DEEM ANY NECESSARY, ACCORDING TO THE PARLIAMENTARY SPEAKER.

15. (U) AMENDMENT 16 MUST NOW BE SIGNED INTO LAW BY THE PRESIDENT, WHICH IS LIKELY TO HAPPEN SOON. THIS BILL CONTAINS IDENTICAL LAND ACQUISITION LANGUAGE AS THAT IN CLAUSE 57 OF THE DRAFT CONSTITUTION, WHICH WAS REJECTED IN FEBRUARY. SENIOR GOVERNMENT OFFICIALS, INCLUDING VICE PRESIDENT JOSEPH MSIKA, HAVE DESCRIBED THIS  
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LEGISLATION AS THEIR "POLITICAL SOLUTION" TO THE OCCUPATION OF PRIMARILY WHITE-OWNED COMMERCIAL FARMS BY WAR VETERANS (REFTEL B). URBAN ZIMBABWEANS REMAIN HIGHLY CRITICAL OF THE GOVERNMENT'S MANIPULATION OF THE LAND ISSUE. THEY SEE IT AS A POLITICAL PLOY TO GAIN SUPPORT IN ADVANCE OF THE PARLIAMENTARY ELECTION. RURAL PEOPLE HAVE ALSO INDICATED IN A RECENT POLL BY THE HELEN SUZMAN FOUNDATION THAT LAND REDISTRIBUTION IS NOT THEIR PRIORITY ISSUE. NEVERTHELESS, LAND IS STILL A VERY EMOTIONAL AND CONTENTIOUS ISSUE FOR BLACK AND WHITE ZIMBABWEANS WHO GENERALLY SUPPORT THE NEED FOR A TRANSPARENT AND ORDERLY LAND REFORM PROGRAM. IN THIS REGARD, CIVIL SOCIETY ORGANIZATIONS HAVE CONDEMNED THE GOVERNMENT'S ATTEMPT TO EXPLOIT THE LAND QUESTION DURING THIS CAMPAIGN SEASON AND CALLED FOR A MEANINGFUL LAND REFORM PROGRAM, BUT HAVE NOT YET STRONGLY ATTACKED THIS NEW BILL. SIMILARLY, THE COMMERCIAL FARMERS UNION, WHOSE 4,500 MEMBERS ARE PRIMARILY WHITE, HAS NOT YET RESPONDED PUBLICLY TO THE PASSAGE OF AMENDMENT 16.

16. (U) THE DIRECTOR OF THE NATIONAL LIBERATION WAR VETERANS ASSOCIATION (NLWVA), AGRIPPA GAVA, TOLD EMBOFFS ON APRIL 6 THAT THE VETERANS WHO ARE OCCUPYING OVER 700 COMMERCIAL FARMS ARE "NEVER GOING TO MOVE OFF THESE FARMS." GAVA DISMISSED THE GOVERNMENT'S "POLITICAL SOLUTION" AND INSISTED THAT THEY WILL NOT VACATE THE LAND. IN THE MEANTIME, THE POLICE HAVE DONE NOTHING TO EFFECT A MARCH 17 COURT ORDER TO REMOVE THE ILLEGAL OCCUPIERS, AND HAVE INSTEAD FILED A MOTION ASKING THE COURT TO MODIFY THE EVICTION ORDER WHICH THE POLICE SAY THEY CANNOT ENFORCE WITHOUT PROVOKING VIOLENCE.  
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17. (U) THE BILL ALSO PROVIDED FOR THE CREATION OF AN ANTI-CORRUPTION COMMISSION, WHICH ONLY CAN MAKE RECOMMENDATIONS TO THE GOVERNMENT ON MEASURES TO ENHANCE INTEGRITY. THE COMMISSION, HOWEVER, WHICH WILL BE APPOINTED BY AND REPORT TO THE PRESIDENT, IS THEREFORE NOT CONSIDERED INDEPENDENT AND WILL HAVE ONLY LIMITED AUTHORITY TO PROSECUTE ANY ACTS OF CORRUPTION (REFTEL C).

18. (C) COMMENT: THE GOVERNMENT HAS MAINTAINED THAT ITS INTENT WITH CLAUSE 57 OF THE DRAFT CONSTITUTION AND NOW WITH THE ADOPTED AMENDMENT 16 IS TO ALLOW IT TO ACQUIRE COMMERCIAL FARM LAND FOR RESETTLEMENT PURPOSES, AS NEEDED, AND SUBJECT TO THE CRITERIA SET OUT IN THE LEGISLATION. THE GOVERNMENT'S RESPONSES ON ACTUAL IMPLEMENTATION THEN BECOMES MUCH MORE VAGUE, WITH SOME DEGREE OF VACILLATION ON THE INTENT TO ACTUALLY TAKE ANY FARMS WITHOUT PAYING COMPENSATION. NEVERTHELESS, AMENDMENT 16 ESTABLISHES THE LEGAL BASIS TO DO SO. THE GOVERNMENT IS NOW FACED WITH HOW TO ADDRESS THE PROBLEMS OF THE WAR VETERANS AND THEIR UNEMPLOYED YOUTH SUPPORTERS WHO MAY REFUSE TO LEAVE. WHILE WE BELIEVE A PORTION OF THE OCCUPIED FARMS WILL NOW BE VACATED, AS THE SQUATTERS WERE ONLY ABLE TO REMAIN WITH GOVERNMENT

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P 071120Z APR 00  
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SUPPORT, THERE ARE LIKELY TO BE LOCATIONS WHERE THE WAR  
VETS MIGHT RESIST EVICTION. THE SITUATION ON THE  
COMMERCIAL FARMS REMAIN VOLATILE, WITH MORE REPORTS OF  
ATTACKS AGAINST FARM WORKERS AND OWNERS BY THE  
OCCUPIERS. BUT ON BALANCE, THE PASSAGE OF AMENDMENT 16  
IS WHAT THE GOVERNMENT WANTED AND IT MAY NOW BEGIN TO  
DISLODGE THE OCCUPIERS AND REENGAGE WITH THE  
INTERNATIONAL COMMUNITY ON LAND REFORM FROM WHAT IT  
PERCEIVES AS A POSITION OF STRENGTH. END COMMENT.

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